

**Office of Administrative Hearings
Special Education Advisory Committee
October 30, 2017 Meeting Summary**

1. *Selection of Chairs and Note-takers:* Special Education Division Presiding Administrative Law Judge (DPALJ) Bob Varma, was selected to chair the Sacramento Northern California section of the meeting. Office of Administrative Hearings (OAH) Deputy Director Melissa Crowell, was selected to chair the Oakland Northern California section of the meeting. Presiding Administrative Law Judge (PALJ) Marian Tully was selected to chair the Van Nuys Southern California section. PALJ Peter Paul Castillo, was selected to chair the San Diego Southern California section. ALJ s Terri Ravandi (Northern California) and June Lehrman assisted by Tara Doss (Southern California) were designated as the note-takers. DPALJ Bob Varma monitored and submitted incoming emails. The meeting was conducted via video conference (and was also available as a live webcast.)

2. *Roll Call:* Van Nuys: Sophia Bliziotis, Sylvia Gonzalez-Youngblood, Kyle Holmes, and Paula West-Hernandez attended in Van Nuys. San Diego: Margaret Dalton, Darek Jaronczyk, and Erik Weber attended in San Diego. Members and OAH staff were introduced. Oakland: Kathryn Dobel, Jennifer Baldassari, Kathryn Meola, and Cathleen Small attended in Oakland. Sacramento: Monique Watts, Lissa Corr, Roberta Savage, and Josh Harris attended in Sacramento.

3. *Introductory Comments:* DPALJ Bob Varma reviewed the meeting's format. He will present items placed on the agenda by OAH. The members will discuss each item. After the members have finished their discussion, the public may comment and public emails will be read. The committee is not required to follow Robert's Rules of Order.

4. *Agenda Items*

Items 3 (a) (*Calendaring Process*); 3(a) (i) (*Unrepresented Parties*) and 3(a)(ii) (*Los Angeles Unified School District*): Members made comments on these items which were also discussed at the June 9 and June 30, 2017 advisory committee meetings. Concerns were expressed regarding unrepresented party access to OAH forms; availability of second and third continuances; what constitutes "good cause" grounds for continuances; and the length of time allowed between requested mediations and hearing dates. A recommendation was proposed by Sophia Bliziotis, amended per suggestions from Roberta Savage, and seconded by Kyle Holmes. Recommendation: At mediations, OAH mediators should, after calendar consultation with the PALJ, retain the authority to grant continuances and/or to take matters off-calendar. The members voted unanimously in favor of the recommendation. OAH will respond to the recommendation. Another recommendation was proposed by Kathryn Dobel, and seconded. Recommendation: Hearing dates should be permitted to be continued ninety days beyond the mediation date that the parties request. The members voted unanimously in favor of the recommendation. OAH will respond to the recommendation.

Item 3b (*New Doc Filing System*): The members and OAH discussed that the new document filing system was put in place to ensure that all documents transmitted to/from OAH are secure. Members discussed the various systematic issues they were having with uploading documents. OAH is working with the Department of General Services to fix the problems and improve the system. Member Bliziotis proposed that OAH continue to accept fax filings until a new system is implemented or all issues resolved. Member Corr seconded the proposal. All

members except one voted in favor of the proposal. One member opposed the proposal. OAH will consider the recommendation and respond.

Item 3c (*September 28, 2017 Opinion from the Attorney General*): OAH explained that the opinion letter interpreted California Education Code section 56505(e)(1) and a party's right under that section to be accompanied and advised by individuals with special knowledge or training at a due process hearing. The issue addressed in the opinion letter pertains to the unauthorized practice of law by non-attorney individuals. Members asked how OAH intends to implement the opinion letter. OAH is still in the process of analyzing the opinion letter and once finished, will inform the community how it interprets the letter. There were no proposals made.

Item 3d (*Determining Good Cause for Continuances*): There were member and public comments. Members discussed a desire for consistency with OAH rulings on continuances for good cause. OAH explained that continuances are granted for good cause on a case-by-case basis. Member Leigh proposed the committee develop a list that OAH will utilize as constituting good cause when ruling on a request for continuance. Members compiled the following list: (1) unavailability of attorney due to other hearing dates on calendar; (2) medical reasons; (3) joint stipulation of parties to continue for settlement discussions; (4) pre-planned vacation; (5) jury duty; (6) child care related issues; (7) unavailability of a witness; and (8) unrepresented party seeking an attorney. Member Corr seconded the proposal. All members voted in favor of the proposal. OAH will consider the recommendation and respond.

Item 3e (*ALJ Reassignment Following Prehearing Conference*): Member Savage proposed that when an attorney has exercised a peremptory challenge prior to the prehearing conference, and a new judge is assigned after the prehearing conference, through no fault of the party, the parties should get to exercise another peremptory challenge. Another member seconded the proposal. All members voted in favor of the proposal. OAH will consider the recommendation and respond.

Item 3f (*Qualified Interpreters*): Members discussed OAH's process for ensuring interpreters at mediation and hearings are qualified. Members and OAH discussed instances of dismissing interpreters due to ineffectiveness. OAH contracts with a vendor to provide interpreter services and the interpreters have the same requirements as court interpreters. There were no proposals made.

Item 3g (*Posting Orders Online*): Members inquired how OAH determines which orders to post on the OAH website. OAH explained that orders are posted on the OAH website in the discretion of the Division Presiding Judge. OAH does not post orders that are likely to reveal the identity of the student. There were no proposals made.

Item 3h (*Issues concerning Individualized Education Program documents*): There were member and public comments. Member Weber proposed that school districts highlight edits in individualized education program documents so parents are aware of them and can give informed consent. There was no second. Member Weber proposed school districts have a deadline of one week for individualized education program teams to make edits as not to delay implementation. There was no second. Member Weber proposed school districts provide complete information on a child's progress report including references to justify progress. There was no second.

Item 3i (*OAH Outreach Presentations: Descriptive Flyer for Parents*): There were member and public comments. Member Youngblood proposed that OAH develop a descriptive

flyer to better meet the needs of the community so they can gain a better understanding of the outreach presentations and what the presentation will cover. Member West-Hernandez seconded the proposal. All members except one voted in favor of the proposal. One member abstained. OAH will consider the recommendation and respond.

5. *Public Comments:* There were no additional public comments.

6. *Proposed Date of Next Meeting:* April 20, 2018 or May 11, 2018. OAH will send the proposed dates to the members and select one based on anticipated attendance.

7. *Adjournment*